

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(04-218 (400/148))**

**In re the Application of:**

McSwiggen, et al.

**Serial No:** 10/800,487**Filed:** March 15, 2004

**For:** RNA Interference Mediated Inhibition  
Of Intercellular Adhesion Molecule (ICAM)  
Gene Expression Using Short Interfering  
Nucleic Acid (siNA)

**Group Art Unit:** 1635**Examiner:** Wollenberger**Conf. No:** 9362

Mail Stop SEQUENCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

1. The Compact Disc contained herein ("060410\_1518") submitted under 37 C.F.R. § 1.52(e):

- ☒ Is formatted for IBM-PC Machines
- ☒ Is compatible with MS-Windows Operating System
- ☒ Contains the file "04-218 (400.148) RevSeqList.txt" which is 157,696 bytes in size on disk, and was created on April 10, 2006.

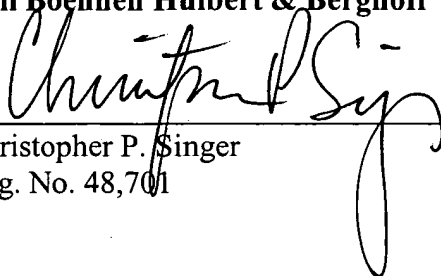
2. Statement under 37 C.F.R. § 1.52(e)(4): The undersigned certifies that the original CD-R submitted herein, titled "060410\_1518" (COPY 2) and the copy CD-R entitled "060410\_1518" (COPY 1) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff**

Dated: April 10, 2006

By:

  
Christopher P. Singer  
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UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. MBHB 04-218 (400/148))

IFW

IN THE APPLICATION OF:

McSwiggen

Serial No. 10/800,487

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Title RNA Interference Mediated  
Inhibition Of Intercellular  
Adhesion Molecule (ICAM) Gene  
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Interfering Nucleic Acid (siNA)

Examiner: Wollenberger

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Confirmation No.: 9362

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
  - a. Response and Amendment to Notice to Comply Mailed March 10, 2006;
  - b. Copy of Notice to Comply;
  - c. CRF of Substitute Sequence Listing;
  - d. Copy 1 and Copy 2 of Substitute Sequence Listing submitted in lieu of Paper Copy;
  - e. Transmittal Letters to accompany Copy 1 and Copy 2 of Substitute Sequence listing;
  - f. Return Receipt Postcard
2. No fees are required. However, please charge any additional fees to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
3. CERTIFICATE OF MAILING UNDER 37 CFR §1.8: The undersigned hereby certifies that this Transmittal Letter and the paper described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10<sup>th</sup> day of April, 2006.

Respectfully submitted,  
McDonnell Boehnen Hulbert & Berghoff LLP

By:

Christopher P. Singer  
Reg. No. 48,701

Date: April 10, 2006

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Notice to Comply	Application No. 10/800,487	Applicant(s) McSwiggen	
	Examiner Louis V. Wollenberger	Art Unit 1635	
<b>NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES</b>			
<p>Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> <ul style="list-style-type: none"><li><input type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</li><li><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li><li><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li><li><input checked="" type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."</li><li><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li><li><input type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li><li><input checked="" type="checkbox"/> 7. Other: <b>Please see the enclosed Raw Sequence Listing Error Report for explanation of the error(s). See, for example, page 11 of the report. A substitute copy of the CRF is required before the amended claims can be searched and examined.</b></li></ul> <p><b>Applicant Must Provide:</b></p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> An initial <u>or</u> substitute computer readable form (CRF) copy of the "Sequence Listing".</li><li><input checked="" type="checkbox"/> An initial <u>or</u> substitute paper copy of the "Sequence Listing", <b>as well as an amendment specifically directing its entry into the application.</b></li><li><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li></ul> <p>For questions regarding compliance to these requirements, please contact: For Rules Interpretation, call (571) 272-2510 For CRF Submission Help, call (571) 272-2501/2583. PatentIn Software Program Support     Technical Assistance.....703-287-0200     To Purchase PatentIn Software.....703-306-2600</p> <p><b>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</b></p>			